

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In Re:  
Raymond Joseph Beach and Dawn Marie Beach  
Debtors

BCN#: 12-34911/KRH  
Chapter: 13

**DECLARATION IN SUPPORT OF  
MOTION FOR RELIEF FROM AUTOMATIC STAY**

I, Maria Loehner, declare under penalty of perjury as follows:

1. I am a/an Assistant Vice President of Bank of America, N.A. ("BANA") and am authorized to sign this declaration on behalf of BANA. This declaration is provided in support of the Motion for Relief from Stay (the "Motion") filed contemporaneously herewith.

2. As part of my job responsibilities for BANA, I have personal knowledge of and am familiar with the types of records maintained by BANA in connection with the loan that is the subject of the Motion (the "Loan") and the procedures for creating those types of records. I have access to and have reviewed the books, records and files of BANA that pertain to the Loan and extensions of credit given to Debtors concerning the property securing such Loan.

3. The information in this declaration is taken from BANA's business records regarding the Loan. The records are: (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record, or from information transmitted by persons with personal knowledge; (b) kept in the course of BANA's regularly conducted business activities; and (c) it is the regular practice of BANA to make such records.

4. The Debtors, have executed and delivered or are otherwise obligated with respect to that certain promissory note referenced in the Motion (the "Note"). Pursuant to that certain DEED OF TRUST referenced in the Motion (the "DEED OF TRUST"), all obligations of the

Debtors under and with respect to the Note and the DEED OF TRUST are secured by the property referenced in the Motion.

5. As of March 24, 2014, there are one or more defaults in paying post-petition amounts due with respect to the Note.

6. As of March 24, 2014, the unpaid principal balance of the Note is \$206,340.39.

7. The following chart sets forth those post-petition payments, due pursuant to the terms of the Note, that have been missed by the Debtors as of March 24, 2014.

| Number of Missed Payments                               | From              | To             | Missed Principal and Interest | Missed Escrow (if applicable) | Monthly Payment Amount | Total Missed Payments |
|---------------------------------------------------------|-------------------|----------------|-------------------------------|-------------------------------|------------------------|-----------------------|
| 1                                                       | August 1, 2013    | August 1, 2013 | \$1,407.66                    | \$267.74                      | \$1,675.40             | \$1,675.40            |
| 7                                                       | September 1, 2013 | March 1, 2014  | \$1,407.66                    | \$336.65                      | \$1,744.31             | \$12,210.17           |
| Less post-petition partial payments (suspense balance): |                   |                |                               |                               | (\$94.45)              |                       |
| Total:                                                  |                   |                |                               |                               |                        | \$13,791.12           |

8. As of March 24, 2014, the total post-petition arrearage/delinquency is \$13,791.12.

This is the amount necessary to cure any post-petition default on or about the date hereof<sup>2</sup>.

9. Upon information and belief, as of March 24, 2014 the unpaid amount of the prepetition arrearage and any other amounts to be cured under the confirmed plan is \$5,931.24<sup>3</sup>.

<sup>2</sup> The total of missed post-petition payments for this impounded loan include any missed escrow payments. Such missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow shortage amount (if applicable). To avoid duplication, post-petition advances (if any) made for insurance, real estate taxes, or similar charges are not listed separately to the extent such advances would have been paid from the missed escrow payments. As part of the next annual RESPA analysis, the Bank will determine whether the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with RESPA and the total post-petition arrearage/delinquency is qualified accordingly. In addition, the amounts set forth herein do not include any legal fees or expenses of counsel incurred by Movant in connection with seeking the relief requested in the Motion.

<sup>3</sup> The amount set forth herein is based on the amount reflected on the trustee's ledger. Additional information regarding this amount is available upon request.

10. The next payment under the terms of the Note will come due on April 1, 2014 and is in the amount of \$1,744.31.

11. Attached to the declaration as Exhibit 4 is a post-petition payment history.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29th day of April, 20 14.

A handwritten signature in cursive script that reads "Maria Loehner". The signature is written in dark ink and is positioned above the printed name and title.

Name: Maria Loehner

Title: Assistant Vice president